



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5698

by Rep. Naomi D. Jakobsson

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/27-5  
35 ILCS 200/27-91 new

Amends the Special Service Area Law in the Property Tax Code. Authorizes municipalities to establish special service areas for repairing, reconstructing, or maintaining privately owned stormwater detention facilities. Sets forth procedures for establishing the special service areas. Exempts the special service areas from the Law's objection petition or disconnection procedures unless there exists a homeowners' association with legal duties concerning the detention facilities. Effective immediately.

LRB095 19278 BDD 45558 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by changing  
5 Section 27-5 and by adding Section 27-91 as follows:

6 (35 ILCS 200/27-5)

7 Sec. 27-5. Short title; definitions. This Article may be  
8 cited as the Special Service Area Tax Law.

9 When used in this Article:

10 "Special Service Area" means a contiguous area within a  
11 municipality or county in which special governmental services  
12 are provided in addition to those services provided generally  
13 throughout the municipality or county, the cost of the special  
14 services to be paid from revenues collected from taxes levied  
15 or imposed upon property within that area. Territory shall be  
16 considered contiguous for purposes of this Article even though  
17 certain completely surrounded portions of the territory are  
18 excluded from the special service area. Territory outside of a  
19 watershed that contributes no stormwater to a given detention  
20 facility is not considered to be contiguous to the detention  
21 facility. A county may create a special service area within a  
22 municipality or municipalities when the municipality or  
23 municipalities consent to the creation of the special service

1 area. A municipality may create a special service area within a  
2 municipality and the unincorporated area of a county or within  
3 another municipality when the county or other municipality  
4 consents to the creation of the special service area.

5 "Special Services" means all forms of services pertaining  
6 to the government and affairs of the municipality or county,  
7 including but not limited to weather modification and  
8 improvements permissible under Article 9 of the Illinois  
9 Municipal Code, and contracts for the supply of water as  
10 described in Section 11-124-1 of the Illinois Municipal Code  
11 which may be entered into by the municipality or by the county  
12 on behalf of a county service area. "Special services"  
13 involving one or more stormwater detention facilities includes  
14 either or all of: maintenance, reconstruction, or repair of the  
15 facilities.

16 "Detention facility" means any publicly or privately owned  
17 man-made structure or arrangement of earth for the temporary or  
18 permanent storage of stormwater runoff with controlled release  
19 of the stormwater during or following a flood or storm for the  
20 purpose of either or both mitigating downstream flooding and  
21 protecting of residential or other structures from flooding and  
22 includes any stormwater detention basin and any stormwater  
23 retention basin and any other wet or dry catchment area that  
24 releases stormwater more slowly than would otherwise occur if  
25 the stormwater were allowed to flow freely in any given  
26 watershed.

1       "Storm water detention basin" means any detention facility  
2 designed to drain completely after temporary storage of  
3 stormwater flows and to normally be dry over the majority of  
4 its bottom area.

5       "Storm water retention basin" means any detention facility  
6 designed to maintain a permanent pool of water within the basin  
7 after the temporary storage of stormwater runoff.

8       "Watershed" means the geographic land area above a given  
9 detention facility that contributes stormwater to that  
10 detention facility.

11       (Source: P.A. 86-1324; 88-445.)

12             (35 ILCS 200/27-91 new)

13       Sec. 27-91. Special service area for privately owned or  
14 maintained detention facilities. If a municipality has a  
15 privately owned or maintained detention facility serving a  
16 watershed within its corporate limits, the corporate  
17 authorities of the municipality may propose a special service  
18 area comprising the territory within the watershed as provided  
19 in this Law for the purpose of repairing, reconstructing, or  
20 maintaining the detention facility; provided that the public  
21 hearing required under this Article must also be held to  
22 determine whether the detention facility is in need of the  
23 repair, reconstruction, or maintenance.

24       Such a proposal is not subject to the objection petition  
25 procedures set forth in Section 27-55 or disconnection

1 procedures set forth in Section 27-60 unless there exists in  
2 good standing, as shown on the records of the Secretary of  
3 State, a homeowners' association that has a legal obligation to  
4 perform the repair, reconstruction, or maintenance of the  
5 detention facility.

6 If, as a result of the public hearing, the corporate  
7 authorities determine that the detention facility is in need of  
8 such repair, reconstruction, or maintenance, then the  
9 corporate authorities shall proceed to establish a special  
10 service area and authorize its agents and independent  
11 contractors to enter upon the real property and cause such  
12 repair, reconstruction, or maintenance to be undertaken and  
13 paid for by taxes levied in the Special Service Area.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.